



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 10/04/2005 (Per: ARG)



☞ The 2005 drafting file for LRB 05-1208/P1

has been copied/added to the 2005 drafting file for

LRB 05-3761

Pt. 01 of 02

☞ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST

Bill

Received: 12/10/2004

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Jerry Petrowski (608) 266-1182

By/Representing: Katie Scott (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters: phurley

Subject: Transportation - traffic laws
 Transportation - motor vehicles

Extra Copies:

Submit via email: YES

Requester's email: Rep.Petrowski@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transporting buildings

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 01/19/2005 phurley 01/19/2005 agary 01/19/2005	wjackson 02/06/2005		_____ _____ _____ _____ _____			S&L Vehicle
/P1			pgreensl 02/07/2005	_____ _____	sbasford 02/07/2005		

LRB-1208

02/07/2005 12:53:49 PM

Page 2

FE Sent For:

<END>

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Transportation - motor vehicles

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/?	agary	1/11/05 2/6	<i>[Signature]</i>	<i>[Signature]</i>			

FE Sent For:

<END>

Gary, Aaron

From: Scott, Katie
Sent: Thursday, December 09, 2004 4:34 PM
To: Gary, Aaron
Subject: Question

Hi Aaron,

Could we get LRB-0737/P1 from last session redrafted with the following changes:

-Create a new paragraph, statute 348.26(2m), with regard to single trip oversize/overweight permits, and a new paragraph, statute 348.27(2m), with regard to multiple trip oversize/overweight permits. The new paragraphs would be specific to building movers.

The paragraphs would require DOT to issue any oversize/overweight permits for state trunk highway operation. For operation on local highways, the local authority would be required to issue the oversize/overweight permit.

-Amend the draft so that a business or corporation may hold the motor carrier authority, in addition to an individual.

-Create a statement in the draft stating that building movers will continue to be bound by other federal and state laws currently applicable to them.

-With the CDL part, require the CDL, while keeping all current CDL exemptions.

-In the definition of building (greater than 14' wide or 22' long) add "portion of such a structure" to the definition; DOT has had instances where movers will cut off a porch, roof, or similar, so they don't have to abide by provisions related to housemoving.

I hope this doesn't mean you need to rewrite the whole bill. We appreciate all of your hard work!

Thank you,

Katie Scott
Research Assistant/Committee Clerk
Representative Jerry Petrowski

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: ARG) (Date: 1 / 19 / 05)



Please transfer the drafting file for

2003 LRB 0737 to the drafting file

for 2005 LRB 1208

The final version of the 2003 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--



Please copy the drafting file for

2005 LRB (include the version) and place it in the

drafting file for 2005 LRB

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper, darkened, and centered/reduced to 90% and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

2003 - 2004 LEGISLATURE

1208/P1
LRB-~~0347~~
ARG&PJH:whjrs
WJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

J-note

Lps:
Please
PNF

and local highway officials

Regen

1 AN ACT ~~to amend~~ 194.41 (1), 194.46, 347.28 (1) (intro.), 347.29 (1) (intro.), 440.05
2 (intro.) and 440.08 (2) (a) (intro.); and **to create** 85.37, 343.29, 346.45 (1) (f),
3 346.923, 346.95 (8), 348.105, 348.11 (3) and subchapter XII~~4~~ of chapter 440
4 [precedes 440.95] of the statutes; **relating to:** transporting buildings on the
5 highways, granting rule-making authority, and providing penalties.

Analysis by the Legislative Reference Bureau

> Under current law, with limited exceptions, a person who transports passengers or property for hire by motor vehicle on the highways (motor carrier) must operate under a certificate or license (certificate of authority) issued by the Department of Transportation (DOT) or issued under federal law authorizing operation of a vehicle as a motor carrier. Current law also imposes size, weight, and load limits on vehicles that travel on the highways. DOT may issue permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load. certain

> This bill requires the Department of Regulation and Licensing (DRL) to issue occupational licenses to persons who engage in the activity of transporting buildings on the highways. Buildings are defined to include dwellings or other structures, at least 14 feet wide or 22 feet long, that are raised and supported from an existing foundation, then moved and placed on a permanent foundation, but do not include modular homes or manufactured homes. Prior to issuing a license, DRL must determine the ability and fitness of the applicant to transport a building, including

or portions thereof

if the applicant would otherwise be required to hold a CDL to operate the class and type of vehicle to be used to transport a building

consideration of: the applicant's safety record for all classes and types of vehicles; the applicant's reliability and service record as a motor carrier; and the applicant's experience and training. DRL must issue a license if DRL finds that: the applicant holds a valid commercial driver license (CDL); any vehicle to be operated by the applicant to transport a building is covered under a valid motor carrier certificate of authority; the applicant is fit and able to operate safely a vehicle transporting a building in compliance with all legal requirements; and the applicant has filed with DRL a certificate of comprehensive general liability insurance with a total limit of not less than \$500,000, in addition to the motor vehicle liability insurance required of all motor carriers (with an applicable total limit of not less than \$750,000). DRL may impose terms, conditions, or restrictions on a licensee with the issuance of any license. DOT must provide DRL with all information necessary (including information available to DOT through the federal CDL information system) for DRL to administer this occupational licensing system. Each license must be renewed annually.

Under the bill, no person may operate a vehicle transporting a building on a highway unless the vehicle is a commercial motor vehicle (CMV) and the person holds a CDL, the vehicle is operated under a valid motor carrier certificate of authority, for which all motor carrier insurance requirements are satisfied; and the person holds an occupational license issued by DRL. A person who violates these requirements is subject to forfeiture of \$500 to \$5,000 for each violation.

In addition, a person may not operate a vehicle transporting a building if: the person's ability or alertness is so impaired by fatigue or illness that operation of the vehicle would be unsafe; the person is under the influence of certain prohibited substances; the person has not, prior to operation, inspected certain equipment of the vehicle and certain safety equipment and satisfied himself or herself that all equipment is in good working order; any person is in the building being transported; or the vehicle is equipped with a radar detector. The bill requires the operator of a vehicle transporting a building to use extreme caution when encountering hazardous road conditions, to carry certain disabled vehicle warning devices, and to use these warning devices in specified circumstances. The bill further requires an operator of a vehicle transporting a building to prominently display the operator's name and address on the vehicle. A person may not operate a vehicle transporting a building unless the vehicle's load is properly secured and distributed and the operator, at specified intervals, inspects the vehicle and load-securing devices and satisfies himself or herself that the load is properly secured and distributed and does not obstruct the operator's view and that the vehicle is in safe and proper operating condition. A person who violates these requirements is subject to forfeiture of \$200 to \$2,000 for each violation.

DRL may suspend, revoke, alter, or amend an occupational license for violation of any of these provisions or for specified other reasons, but must revoke a license upon notice of the licensee's conviction for an operating-while-intoxicated offense or refusal. DOT may also suspend, revoke, alter, or amend any motor carrier certificate of authority issued by DOT for violation of any of these provisions.

if a CDL would otherwise be required for the person to operate the class and type of vehicle ~~to be~~ used to transport the building

state or federal
 ↑ CAL holders or CMV operators ^{STET} ~~OVER~~
 permittees
 The requirements of the bill are in addition to any applicable requirements imposed on motor carriers, or to ~~any~~ ^{any} oversized vehicle ~~permit requirements~~ under current law. In addition, under the bill, before DOT may issue an oversized vehicle permit to a person for purposes of transporting a house, the person must provide proof that the person holds an occupational license, issued by DRL, for transporting buildings.

Under the bill, DRL must promulgate rules to implement and administer the law.

For further information see the ~~state~~ fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 85.37 of the statutes is created to read:

2 **85.37 Information for purposes of licensing building transporters.** The
 3 department shall provide to the department of regulation and licensing all
 4 information maintained by or available to the department that is requested by the
 5 department of regulation and licensing for purposes of administering s. 440.99.

6 SECTION 2. 194.41 (1) of the statutes is amended to read:

7 194.41 (1) No permit or vehicle registration may be issued to a common motor
 8 carrier of property, contract motor carrier, or rental company, no permit or vehicle
 9 registration may remain in force to operate any motor vehicle under the authority
 10 of this chapter, and no vehicle registration may be issued or remain in force for a
 11 semitrailer unless the carrier or rental company has on file with the department and
 12 in effect an approved certificate for a policy of insurance or other written contract in
 13 such form and containing such terms and conditions as may be approved by the
 14 department issued by an insurer authorized to do a surety or automobile liability
 15 business in this state under which the insurer assumes the liability prescribed by
 16 this section with respect to the operation of such motor vehicles. The certificate or
 17 other contract is subject to the approval of the department and shall provide that the

1 insurer shall be directly liable for and shall pay all damages for injuries to or for the
2 death of persons or for injuries to or destruction of property that may be recovered
3 against the owner or operator of any such motor vehicles by reason of the negligent
4 operation thereof in such amount as the department may require. Liability may be
5 restricted so as to be inapplicable to damage claims on account of injury to or
6 destruction of property transported, but the department may require, and with
7 respect to a carrier transporting a building, as defined in s. 348.105 (1), shall require,
8 a certificate or other contract protecting the owner of the property transported by
9 carriers from loss or damage in the amount and under the conditions as the
10 department may require. No permit or vehicle registration may be issued to a
11 common motor carrier of passengers by any motor vehicle, or other carrier of
12 passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a)
13 and (d), and no permit or vehicle registration may remain in force to operate any
14 motor vehicle unless it has on file with the department a like certificate or other
15 contract in the form and containing the terms and conditions as may be approved by
16 the department for the payment of damages for injuries to property and injuries to
17 or for the death of persons, including passengers, in the amounts as the department
18 may require. This subsection does not apply to a motor carrier that is registered by
19 another state under a single-state registration system consistent with the standards
20 under 49 USC 14504.

21 **SECTION 3.** 194.46 of the statutes is amended to read:

22 **194.46 Amendment, suspension, or revocation of certificate, license, or**
23 **permit; hearing.** The department may at any time, by its order duly entered after
24 a hearing had, upon notice to the holder of any certificate, license, or permit under
25 this chapter and an opportunity to be heard, at which it shall be proved that the

1 holder has willfully violated or refused to comply with any of the provisions of this
2 chapter ⁴or s. 346.92~~4~~ or 348.105, or any orders or rules of the department, alter,
3 amend, suspend, or revoke the certificate, license, or permit. The department may
4 suspend or revoke a certificate, license, or permit under this chapter if, after
5 providing the holder thereof notice and an opportunity to be heard on the matter, the
6 department finds that service under the certificate, license, or permit has been
7 abandoned. A person who is aggrieved by an order of the department under this
8 section may, within 20 days after the date that the order is issued, request a review
9 of the order by the division of hearings and appeals.

10 SECTION 4. 343.29 of the statutes is created to read:

11 **343.29 Department to forward certain information to the department**
12 **of regulation and licensing.** (1) Whenever the department receives a record of
13 conviction under s. 343.28 for a person whom the department of regulation and
14 licensing has identified in a notice provided to the department under s. 440.9⁸~~4~~ (6) (b),
15 the department shall forward a copy of the record of conviction to the department of
16 regulation and licensing.

17 (2) Whenever the operating privilege or operator's license of a person whom the
18 department of regulation and licensing has identified in a notice provided to the
19 department under s. 440.9⁸~~4~~ (6) (b) is revoked, suspended, or cancelled or the person
20 is disqualified under s. 343.315, the department shall provide notice to the
21 department of regulation and licensing of the revocation, suspension, cancellation,
22 or disqualification and the period of revocation, suspension, or disqualification.

23 (3) If the department, under s. 343.23 (3) or (4), purges any record that has been
24 previously provided to the department of regulation and licensing, the department

1 shall provide notice to the department of regulation and licensing that the record has
2 been purged.

3 **SECTION 5.** 346.45 (1) (f) of the statutes is created to read:

4 346.45 (1) (f) Every vehicle transporting a building, as defined in s. 348.105 (1).

5 **SECTION 6.** 346.92⁴ of the statutes is created to read:

6 **346.92³ Transporting buildings on highways.** (1) In this section,

7 "building" has the meaning given in s. 348.105 (1).

8 (2) No person may operate a vehicle transporting a building on a highway
9 unless all of the following apply:

10 (a) The vehicle is a commercial motor vehicle and ^{if required under ch 343, A} the person holds a valid
11 commercial driver license.

12 (b) The vehicle is operated under a valid motor carrier certificate or license of
13 authority issued under ch. 194 or under applicable federal law, and all insurance
14 requirements applicable to the vehicle under s. 194.41 or federal law are satisfied.

15 (c) The person holds a valid license issued by the department of regulation and
16 licensing under s. 440.9⁸.

17 (3) A person may not operate a vehicle transporting a building if any of the
18 following apply:

19 (a) The person's ability or alertness is so impaired by fatigue, illness, or any
20 other cause that operation of the vehicle would be unsafe.

21 (b) The person is under the influence of any substance identified as a prohibited
22 substance in 49 CFR 392.4.

23 (c) Prior to operation, the person has not inspected the vehicle and satisfied
24 himself or herself that all brakes, steering apparatus, lights and lamps, tires, horns,

1 windshield wipers, mirrors, and coupling devices are in good working order and that
2 no light, lamp, or reflector is obstructed.

3 (d) Prior to operation, the person has not inspected the vehicle and satisfied
4 himself or herself that the vehicle contains a fire extinguisher, warning devices
5 specified in s. 347.28 (1), red flags, and spare fuses that are in good working order
6 and ready for use.

7 (e) Prior to operation, the person has not inspected the vehicle and satisfied
8 himself or herself that the vehicle is in safe and proper operating condition and
9 complies with all applicable parts and accessories requirements specified in 49 CFR
10 393.

11 (f) Any person is in the building.

12 (g) The vehicle is equipped with any device used to detect radar signals utilized
13 by a law enforcement officer to measure the speed of motor vehicles.

14 (4) A person shall do all of the following while operating a vehicle transporting
15 a building:

16 (a) Use extreme caution, including reduction of speed, when encountering
17 hazardous conditions that may adversely affect visibility or traction, including
18 conditions arising from snow, ice, sleet, fog, mist, rain, dust, sand, or smoke.

19 (b) Prominently display the person's name and address on the vehicle.

20 SECTION 7. 346.95⁽⁹⁾~~(8)~~ of the statutes is created to read:

21 346.95⁽⁹⁾~~(8)~~ (a) Any person violating s. 346.92⁴~~(1)~~ (2) may be required to forfeit not
22 less than \$500 nor more than \$5,000. Each violation constitutes a separate offense.

23 (b) Any person violating s. 346.92⁴~~(1)~~ (3) or (4) may be required to forfeit not less
24 than \$200 nor more than \$2,000. Each violation constitutes a separate offense.

25 SECTION 8. 347.28 (1) (intro.) of the statutes is amended to read:

1 347.28 (1) (intro.) No person shall operate a motor truck or motor bus more
2 than 80 inches in width or a truck tractor or road tractor or a vehicle transporting
3 a building, as defined in s. 348.105 (1), on any highway outside the corporate limits
4 of a city or village during hours of darkness unless such vehicle carries in a place
5 readily accessible to the driver the following warning devices:

6 **SECTION 9.** 347.29 (1) (intro.) of the statutes is amended to read:

7 347.29 (1) (intro.) Except as provided in s. 347.26 (11) (b), whenever any motor
8 truck, motor bus, trailer or semitrailer more than 80 inches in width or truck tractor
9 or road tractor or vehicle transporting a building as defined in s. 348.105 (1) is left
10 standing, whether attended or unattended, during hours of darkness upon the
11 traveled portion of any highway or the shoulder adjacent thereto outside the
12 corporate limits of a city or village, the operator of such vehicle shall display the
13 following warning devices upon the highway during the entire time the vehicle is so
14 left standing and such devices shall be placed in the following order:

15 **SECTION 10.** 348.105 of the statutes is created to read:

16 **348.105 Vehicles transporting buildings.** (1) In this section, "building"
17 means a dwelling or other structure, ^{or portion of a dwelling or other structure} at least 14 feet wide or 22 feet long, that is
18 transportable as a whole or in sections and that is raised and supported from an
19 existing foundation to be moved and placed on a permanent foundation at a new
20 location where the dwelling or other structure is to be delivered. "Building" does not
21 include a modular housing unit or a manufactured home as defined in s. 101.91 (2).

22 (2) No person may operate on a highway any vehicle transporting a building
23 unless all of the following conditions are satisfied:

24 (a) The load being transported is securely fastened to the vehicle and
25 distributed in a manner that will prevent side sway under all conditions of operation.

1 (b) Prior to operating the vehicle, the person inspects the vehicle and satisfies
2 himself or herself that the requirements of par. (a) and s. 346.88 are met.

3 (c) The person does not operate the vehicle for more than 25 miles from the
4 location where the transportation commenced without stopping to inspect the load
5 and the load-securing devices and satisfying himself or herself that the
6 requirements of par. (a) continue to be met. The person shall thereafter stop
7 periodically, at least every 150 miles or 3 hours of driving, whichever occurs first, to
8 inspect the load and the load-securing devices and to satisfy himself or herself that
9 the requirements of par. (a) continue to be met.

10 (3) No vehicle may be used to transport a building unless the person to whom
11 a certificate or license specified in s. 346.92⁴ (2) (b) is issued systematically and
12 periodically inspects, repairs, and maintains the vehicle, or verifies that such
13 inspection, repair, and maintenance has been performed by another. All records of
14 any inspection, repair, or maintenance under this subsection shall be maintained for
15 at least one year.

16 (4) The provisions of this section apply in addition to any other requirement
17 imposed under this chapter. ^{ch 50 194, 195, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000} Prior to the issuance of any permit under this chapter
18 relating to the size, weight, or load of a vehicle used to transport a building, the
19 department shall require proof that the applicant holds a valid license issued under
20 s. 440.9⁶.

21 SECTION 11. 348.11 (3) of the statutes is created to read:

22 348.11 (3) Any person violating s. 348.105 (2) or (3) may be required to forfeit
23 not less than \$200 nor more than \$2,000. Each violation constitutes a separate
24 offense.

25 SECTION 12. 440.05 (intro.) of the statutes is amended to read:

✓
insert
9-24 →

03 affected

1 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
 2 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, ⁸440.99 (3),
 3 444.03, ~~444.05~~ 444.11, 447.04 (2) (c) 2., 449.17, ~~449.18~~ and ~~449.19~~ and ^{plain}

4 **SECTION 13.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

5 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, ⁸440.99
 6 (3), 442.04, 444.03, ~~444.05~~ 444.11, 448.065, 447.04 (2) (c) 2., 449.17, ~~449.18~~ and ^{plain}
 7 ~~449.19~~ the renewal dates and renewal fees for credentials are as follows:

8 **SECTION 14.** Subchapter XII^{STET} of chapter 440 [precedes ~~440.99~~ of the statutes
 9 is created to read:

SUBCHAPTER XII

BUILDING MOVERS

10 ⁹⁸
 11 **440.99 Building movers.** (1) In this section, "building" has the meaning
 12 given in s. 348.105 (1).

13 (2) Any person who engages in the activity of transporting buildings on the
 14 highways shall be licensed under this section.

15 (3) Application for initial issuance or renewal of a license issued under this
 16 section shall be made annually to the department upon forms prescribed by it. A
 17 license issued or renewed under this section shall expire on December 31 of each year.
 18 Each application shall be accompanied by a fee of \$150 for initial issuance of a license
 19 or \$100 for renewal of a license paid to the department.

20 (4) (a) Upon receipt of the application and fees specified in sub. (3), the
 21 department shall determine the ability and fitness of a person to transport a building
 22 on the highways, including consideration of all of the following:

23 1. The applicant's safety record, including the applicant's driving record for all
 24 classes and types of vehicles that the applicant is or has been licensed to operate.
 25

1 2. The applicant's reliability and service record as a motor carrier.

2 3. The applicant's experience and training, including experience or training
3 related to the requirements under s. 348.105.

4 (b) The department shall issue a license to an applicant under this section if
5 the department finds that all of the following requirements are met:

6 1. The applicant holds a valid commercial driver license, with any required
7 endorsement ^{if a commercial driver license is required under ch. 343 for operation of} for the class and type of vehicle to be used to transport any building.

8 2. The applicant provides proof of a valid motor carrier certificate or license of
9 authority issued under ch. 194 or under federal law applicable for each vehicle to be
10 operated by the applicant to transport a building on a highway.

11 3. The applicant is fit and able to operate safely a vehicle transporting a
12 building in compliance with the requirements of this section and ss. 346.92⁴ and
13 348.105.

14 4. The applicant provides proof, by a certificate of insurance filed with the
15 department, that the applicant, in addition to satisfying the insurance requirements
16 described in s. 346.92⁴ (2) (b), maintains a policy of comprehensive general liability
17 insurance, issued by an insurer authorized to transact business in this state, that
18 provides bodily injury liability coverage and property damage liability coverage,
19 including for building collapse and underground property damage, with a total limit
20 of not less than \$500,000 for each occurrence.

21 (c) In issuing a license under par. (b), the department may attach to the
22 privilege granted by the license any terms, conditions, or restrictions on the licensee
23 that the department deems necessary to ensure the safe transportation of any
24 building and compliance with this section.

1 (d) Upon any change in an applicant's circumstances that causes the applicant
2 to no longer satisfy the requirements of par. (b), the applicant shall notify the
3 department within 10 days of the change in circumstances and the department shall
4 immediately revoke the license, notwithstanding sub. (5).

5 (e) If the department denies issuance of the license, the department shall notify
6 the applicant in writing of the reason. The department may promulgate rules for a
7 review of an application that is denied.

8 (5) (a) Subject to the rules promulgated under s. 440.03 (1), the department
9 may suspend, revoke, alter, or amend a license issued under this section if the
10 department finds any of the following:

11 1. That the licensee has violated or refused to comply with a provision of this
12 section or s. 346.92⁴ or 348.105, or with any order or rule of the department or of the
13 department of transportation.

14 2. That the licensee does not meet the requirements for issuance of a license
15 under sub. (4) (b). Except as provided in par. (b), upon receiving any record of
16 conviction or notice specified in s. 343.29 (1) or (2), the department shall determine
17 whether the conviction or revocation, suspension, cancellation, or disqualification
18 causes the licensee to no longer meet the requirements for issuance of a license under
19 sub. (4) (b).

20 3. That the licensee has engaged in conduct endangering the safety of persons
21 using the highways.

22 4. That the licensee has engaged in conduct obstructing traffic in an
23 unauthorized manner.

24 5. That the licensee has failed to provide reimbursement for damage caused by
25 the licensee to a highway that was not paid for by the licensee's insurer.

1 6. That the licensee has abandoned a building on any highway or on public or
2 private property without permission of the property owner.

3 (b) The department shall revoke a license issued under this section upon
4 receiving notice of the licensee's conviction under s. 346.63 (1), (2m), (5), or (7) or a
5 local ordinance in conformity therewith, or s. 346.63 (2) or (6), 940.09 (1), or 940.25,
6 or upon receiving notice of revocation of the licensee's operating privilege under s.
7 343.305 (10). A person whose license is revoked under this paragraph may not apply
8 for another license issued under this section.

9 (c) If the department revokes a person's license under par. (a), the department
10 may prohibit the person from applying for another license issued under this section
11 or may specify a date, not less than one year following the revocation, after which the
12 person may apply for another license issued under this section.

13 (6) (a) The department may request from the department of transportation,
14 and the department of transportation shall provide, all information maintained by
15 or available to the department of transportation that is deemed necessary by the
16 department to administer this section.

17 (b) The department shall notify the department of transportation of each
18 applicant to whom the department issues a license under this section.

19 (7) The department shall promulgate rules to implement and administer this
20 section.

21 **SECTION 15. Effective date.**

22 (1) This act takes effect on the first day of the 7th month beginning after
23 publication.

24 (END)

B-note

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1208/P1ins
ARG:.....

INSERT ANAL-A:

(no P) The bill also limits the authority of DOT or a local highway official to issue single trip, annual, and consecutive month permits for oversize vehicles transporting buildings to those highways under the jurisdiction of, respectively, DOT or the local highway authority.

INSERT ANAL-B:

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

INSERT 9-24:

SECTION ~~1~~ 348.26 (2) of the statutes is amended to read:

348.26 (2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as provided in ~~sub.~~ subs. (4) and (4m), single trip permits for oversize or overweight vehicles or loads may be issued by the department for use of the state trunk highways and by the officer in charge of maintenance of the highway to be used in the case of other highways. Such local officials also may issue such single trip permits for use of state trunk highways within the county or municipality which they represent. Every single trip permit shall designate the route to be used by the permittee. Whenever the officer or agency issuing such permit deems it necessary to have a traffic officer escort the vehicle through the municipality or county, a reasonable fee for such traffic officer's services shall be paid by the permittee. All moneys received from fees imposed by the department under this subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

Cross Reference: Cross Reference: See also ch. Trans 254, Wis. adm. code. Cross Reference:
History: 1977 c. 29 s. 1654 (8) (a); 1977 c. 273; 1981 c. 20, 215, 312, 391; 1983 a. 78; 1997 a. 27; 1999 a. 185; 2001 a. 78.

SECTION ~~1~~ 348.26 (4m) of the statutes is created to read:

348.26 (4m) PERMITS FOR VEHICLES TRANSPORTING BUILDINGS. Single trip permits issued under sub. (2) for vehicles transporting buildings, as defined in s. 348.105 (1), may not be issued by local officials for use of state trunk highways.

SECTION ~~3~~ 348.27 (12m) of the statutes is created to read:

348.27 (12m) PERMITS FOR VEHICLES TRANSPORTING BUILDINGS. The department for the state trunk highways or the officer in charge of maintenance in the case of other highways may issue annual or consecutive month permits for vehicles transporting buildings, as defined in s. 348.105 (1).

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1208/P1dn
ARG: 1....

Wlj

ATTN: Katie Scott

98 The attached redraft of 2003 LRB-0737 makes the changes directed in your e-mail except that, with respect to item 2, I don't believe any change is necessary. It is my understanding that businesses and corporations often hold the motor carrier certificate of authority under current law. While the attached draft makes various references to motor carrier certificates of authority, it does not require an individual to actually hold the motor carrier certificate of authority; it only requires that an individual transporting a building operate under a valid certificate of authority, which may be issued to a company. It is my understanding that this is consistent with common practice in the industry. See, for example, created ss. 346.924 (2) (b) and 440.99 (4) (b) 2. of the draft. However, under created s. 348.105 (3) of the draft, the duty to perform periodic repair and maintenance of the vehicle lies with the motor carrier, not with any specific driver. I thought this made the most sense. Please let me know if you want this provision changed. *

With respect to created s. 348.27 (12m), this provision would be included in the series of cross-references under s. 348.28 (1), but would not be included in the series of cross-references under s. 348.25 (4). Is this consistent with your intent? Also, under created s. 348.105 (4), DOT may not issue an oversize permit for a vehicle used to transport a building unless the applicant holds a building movers license issued by DRL. However, this restriction is not also imposed upon a local government issuing an oversize permit. Is this okay?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1208/P1dn
ARG:wlj:pg

February 7, 2005

ATTN: Katie Scott

The attached redraft of 2003 LRB-0737 makes the changes directed in your e-mail except that, with respect to item 2, I don't believe any change is necessary. It is my understanding that businesses and corporations often hold the motor carrier certificate of authority under current law. While the attached draft makes various references to motor carrier certificates of authority, it does not require an individual to actually hold the motor carrier certificate of authority; it requires only that an individual transporting a building operate under a valid certificate of authority, which may be issued to a company. It is my understanding that this is consistent with common practice in the industry. See, for example, created ss. 346.924 (2) (b) and 440.98 (4) (b) 2. of the draft. However, under created s. 348.105 (3) of the draft, the duty to perform periodic repair and maintenance of the vehicle lies with the motor carrier, not with any specific driver. I thought this made the most sense. Please let me know if you want this provision changed.

With respect to created s. 348.27 (12m), this provision would be included in the series of cross-references under s. 348.28 (1), but would not be included in the series of cross-references under s. 348.25 (4). Is this consistent with your intent? Also, under created s. 348.105 (4), DOT may not issue an oversize permit for a vehicle used to transport a building unless the applicant holds a building movers license issued by DRL. However, this restriction is not also imposed upon a local government issuing an oversize permit. Is this okay?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1208/P1
ARG&PJH:wlj:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 194.41 (1), 194.46, 347.28 (1) (intro.), 347.29 (1) (intro.), 348.26
2 (2), 440.05 (intro.) and 440.08 (2) (a) (intro.); and *to create* 85.37, 343.29, 346.45
3 (1) (f), 346.924, 346.95 (9), 348.105, 348.11 (3), 348.26 (4m), 348.27 (12m) and
4 subchapter XI of chapter 440 [precedes 440.98] of the statutes; **relating to:**
5 transporting buildings on the highways, granting rule-making authority, and
6 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, a person who transports passengers or property for hire by motor vehicle on the highways (motor carrier) must operate under a certificate or license (certificate of authority) issued by the Department of Transportation (DOT) or issued under federal law authorizing operation of a vehicle as a motor carrier. Current law also imposes size, weight, and load limits on vehicles that travel on the highways. DOT and local highway officials may issue certain permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load.

This bill requires the Department of Regulation and Licensing (DRL) to issue occupational licenses to persons who engage in the activity of transporting buildings on the highways. Buildings are defined to include dwellings or other structures, or portions thereof, at least 14 feet wide or 22 feet long, that are raised and supported from an existing foundation, then moved and placed on a permanent foundation, but

do not include modular homes or manufactured homes. Prior to issuing a license, DRL must determine the ability and fitness of the applicant to transport a building, including consideration of: the applicant's safety record for all classes and types of vehicles; the applicant's reliability and service record as a motor carrier; and the applicant's experience and training. DRL must issue a license if DRL finds that: the applicant holds a valid commercial driver license (CDL) if the applicant would otherwise be required to hold a CDL to operate the class and type of vehicle to be used to transport a building; any vehicle to be operated by the applicant to transport a building is covered under a valid motor carrier certificate of authority; the applicant is fit and able to operate safely a vehicle transporting a building in compliance with all legal requirements; and the applicant has filed with DRL a certificate of comprehensive general liability insurance with a total limit of not less than \$500,000, in addition to the motor vehicle liability insurance required of all motor carriers (with an applicable total limit of not less than \$750,000). DRL may impose terms, conditions, or restrictions on a licensee with the issuance of any license. DOT must provide DRL with all information necessary (including information available to DOT through the federal CDL information system) for DRL to administer this occupational licensing system. Each license must be renewed annually.

Under the bill, no person may operate a vehicle transporting a building on a highway unless the vehicle is a commercial motor vehicle (CMV) and the person holds a CDL if a CDL would otherwise be required for the person to operate the class and type of vehicle used to transport the building; the vehicle is operated under a valid motor carrier certificate of authority, for which all motor carrier insurance requirements are satisfied; and the person holds an occupational license issued by DRL. A person who violates these requirements is subject to forfeiture of \$500 to \$5,000 for each violation.

In addition, a person may not operate a vehicle transporting a building if: the person's ability or alertness is so impaired by fatigue or illness that operation of the vehicle would be unsafe; the person is under the influence of certain prohibited substances; the person has not, prior to operation, inspected certain equipment of the vehicle and certain safety equipment and satisfied himself or herself that all equipment is in good working order; any person is in the building being transported; or the vehicle is equipped with a radar detector. The bill requires the operator of a vehicle transporting a building to use extreme caution when encountering hazardous road conditions, to carry certain disabled vehicle warning devices, and to use these warning devices in specified circumstances. The bill further requires an operator of a vehicle transporting a building to prominently display the operator's name and address on the vehicle. A person may not operate a vehicle transporting a building unless the vehicle's load is properly secured and distributed and the operator, at specified intervals, inspects the vehicle and load-securing devices and satisfies himself or herself that the load is properly secured and distributed and does not obstruct the operator's view and that the vehicle is in safe and proper operating condition. A person who violates these requirements is subject to forfeiture of \$200 to \$2,000 for each violation.

DRL may suspend, revoke, alter, or amend an occupational license for violation of any of these provisions or for specified other reasons, but must revoke a license upon notice of the licensee's conviction for an operating-while-intoxicated offense or refusal. DOT may also suspend, revoke, alter, or amend any motor carrier certificate of authority issued by DOT for violation of any of these provisions.

The requirements of the bill are in addition to any applicable requirements imposed on motor carriers, CDL holders, or CMV operators, or oversize vehicle permittees under current state or federal law. In addition, under the bill, before DOT may issue an oversize vehicle permit to a person for purposes of transporting a house, the person must provide proof that the person holds an occupational license, issued by DRL, for transporting buildings. The bill also limits the authority of DOT or a local highway official to issue single trip, annual, and consecutive month permits for oversize vehicles transporting buildings to those highways under the jurisdiction of, respectively, DOT or the local highway authority.

Under the bill, DRL must promulgate rules to implement and administer the law.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 85.37 of the statutes is created to read:

2 **85.37 Information for purposes of licensing building transporters.** The
3 department shall provide to the department of regulation and licensing all
4 information maintained by or available to the department that is requested by the
5 department of regulation and licensing for purposes of administering s. 440.98.

6 **SECTION 2.** 194.41 (1) of the statutes is amended to read:

7 194.41 (1) No permit or vehicle registration may be issued to a common motor
8 carrier of property, contract motor carrier, or rental company, no permit or vehicle
9 registration may remain in force to operate any motor vehicle under the authority
10 of this chapter, and no vehicle registration may be issued or remain in force for a
11 semitrailer unless the carrier or rental company has on file with the department and

1 in effect an approved certificate for a policy of insurance or other written contract in
2 such form and containing such terms and conditions as may be approved by the
3 department issued by an insurer authorized to do a surety or automobile liability
4 business in this state under which the insurer assumes the liability prescribed by
5 this section with respect to the operation of such motor vehicles. The certificate or
6 other contract is subject to the approval of the department and shall provide that the
7 insurer shall be directly liable for and shall pay all damages for injuries to or for the
8 death of persons or for injuries to or destruction of property that may be recovered
9 against the owner or operator of any such motor vehicles by reason of the negligent
10 operation thereof in such amount as the department may require. Liability may be
11 restricted so as to be inapplicable to damage claims on account of injury to or
12 destruction of property transported, but the department may require, and with
13 respect to a carrier transporting a building, as defined in s. 348.105 (1), shall require,
14 a certificate or other contract protecting the owner of the property transported by
15 carriers from loss or damage in the amount and under the conditions as the
16 department may require. No permit or vehicle registration may be issued to a
17 common motor carrier of passengers by any motor vehicle, or other carrier of
18 passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a)
19 and (d), and no permit or vehicle registration may remain in force to operate any
20 motor vehicle unless it has on file with the department a like certificate or other
21 contract in the form and containing the terms and conditions as may be approved by
22 the department for the payment of damages for injuries to property and injuries to
23 or for the death of persons, including passengers, in the amounts as the department
24 may require. This subsection does not apply to a motor carrier that is registered by

1 another state under a single-state registration system consistent with the standards
2 under 49 USC 14504.

3 **SECTION 3.** 194.46 of the statutes is amended to read:

4 **194.46 Amendment, suspension, or revocation of certificate, license, or**
5 **permit; hearing.** The department may at any time, by its order duly entered after
6 a hearing had, upon notice to the holder of any certificate, license, or permit under
7 this chapter and an opportunity to be heard, at which it shall be proved that the
8 holder has willfully violated or refused to comply with any of the provisions of this
9 chapter or s. 346.924 or 348.105, or any orders or rules of the department, alter,
10 amend, suspend, or revoke the certificate, license, or permit. The department may
11 suspend or revoke a certificate, license, or permit under this chapter if, after
12 providing the holder thereof notice and an opportunity to be heard on the matter, the
13 department finds that service under the certificate, license, or permit has been
14 abandoned. A person who is aggrieved by an order of the department under this
15 section may, within 20 days after the date that the order is issued, request a review
16 of the order by the division of hearings and appeals.

17 **SECTION 4.** 343.29 of the statutes is created to read:

18 **343.29 Department to forward certain information to the department**
19 **of regulation and licensing.** (1) Whenever the department receives a record of
20 conviction under s. 343.28 for a person whom the department of regulation and
21 licensing has identified in a notice provided to the department under s. 440.98 (6) (b),
22 the department shall forward a copy of the record of conviction to the department of
23 regulation and licensing.

24 (2) Whenever the operating privilege or operator's license of a person whom the
25 department of regulation and licensing has identified in a notice provided to the

1 department under s. 440.98 (6) (b) is revoked, suspended, or cancelled or the person
2 is disqualified under s. 343.315, the department shall provide notice to the
3 department of regulation and licensing of the revocation, suspension, cancellation,
4 or disqualification and the period of revocation, suspension, or disqualification.

5 (3) If the department, under s. 343.23 (3) or (4), purges any record that has been
6 previously provided to the department of regulation and licensing, the department
7 shall provide notice to the department of regulation and licensing that the record has
8 been purged.

9 SECTION 5. 346.45 (1) (f) of the statutes is created to read:

10 346.45 (1) (f) Every vehicle transporting a building, as defined in s. 348.105 (1).

11 SECTION 6. 346.924 of the statutes is created to read:

12 346.924 Transporting buildings on highways. (1) In this section,
13 “building” has the meaning given in s. 348.105 (1).

14 (2) No person may operate a vehicle transporting a building on a highway
15 unless all of the following apply:

16 (a) The vehicle is a commercial motor vehicle and, if required under ch. 343, the
17 person holds a valid commercial driver license.

18 (b) The vehicle is operated under a valid motor carrier certificate or license of
19 authority issued under ch. 194 or under applicable federal law, and all insurance
20 requirements applicable to the vehicle under s. 194.41 or federal law are satisfied.

21 (c) The person holds a valid license issued by the department of regulation and
22 licensing under s. 440.98.

23 (3) A person may not operate a vehicle transporting a building if any of the
24 following apply:

1 (a) The person's ability or alertness is so impaired by fatigue, illness, or any
2 other cause that operation of the vehicle would be unsafe.

3 (b) The person is under the influence of any substance identified as a prohibited
4 substance in 49 CFR 392.4.

5 (c) Prior to operation, the person has not inspected the vehicle and satisfied
6 himself or herself that all brakes, steering apparatus, lights and lamps, tires, horns,
7 windshield wipers, mirrors, and coupling devices are in good working order and that
8 no light, lamp, or reflector is obstructed.

9 (d) Prior to operation, the person has not inspected the vehicle and satisfied
10 himself or herself that the vehicle contains a fire extinguisher, warning devices
11 specified in s. 347.28 (1), red flags, and spare fuses that are in good working order
12 and ready for use.

13 (e) Prior to operation, the person has not inspected the vehicle and satisfied
14 himself or herself that the vehicle is in safe and proper operating condition and
15 complies with all applicable parts and accessories requirements specified in 49 CFR
16 393.

17 (f) Any person is in the building.

18 (g) The vehicle is equipped with any device used to detect radar signals utilized
19 by a law enforcement officer to measure the speed of motor vehicles.

20 (4) A person shall do all of the following while operating a vehicle transporting
21 a building:

22 (a) Use extreme caution, including reduction of speed, when encountering
23 hazardous conditions that may adversely affect visibility or traction, including
24 conditions arising from snow, ice, sleet, fog, mist, rain, dust, sand, or smoke.

25 (b) Prominently display the person's name and address on the vehicle.

1 **SECTION 7.** 346.95 (9) of the statutes is created to read:

2 346.95 (9) (a) Any person violating s. 346.924 (2) may be required to forfeit not
3 less than \$500 nor more than \$5,000. Each violation constitutes a separate offense.

4 (b) Any person violating s. 346.924 (3) or (4) may be required to forfeit not less
5 than \$200 nor more than \$2,000. Each violation constitutes a separate offense.

6 **SECTION 8.** 347.28 (1) (intro.) of the statutes is amended to read:

7 347.28 (1) (intro.) No person shall operate a motor truck or motor bus more
8 than 80 inches in width or a truck tractor or road tractor or a vehicle transporting
9 a building, as defined in s. 348.105 (1), on any highway outside the corporate limits
10 of a city or village during hours of darkness unless such vehicle carries in a place
11 readily accessible to the driver the following warning devices:

12 **SECTION 9.** 347.29 (1) (intro.) of the statutes is amended to read:

13 347.29 (1) (intro.) Except as provided in s. 347.26 (11) (b), whenever any motor
14 truck, motor bus, trailer or semitrailer more than 80 inches in width or truck tractor
15 or road tractor or vehicle transporting a building as defined in s. 348.105 (1) is left
16 standing, whether attended or unattended, during hours of darkness upon the
17 traveled portion of any highway or the shoulder adjacent thereto outside the
18 corporate limits of a city or village, the operator of such vehicle shall display the
19 following warning devices upon the highway during the entire time the vehicle is so
20 left standing and such devices shall be placed in the following order:

21 **SECTION 10.** 348.105 of the statutes is created to read:

22 **348.105 Vehicles transporting buildings.** (1) In this section, "building"
23 means a dwelling or other structure or portion of a dwelling or other structure, at
24 least 14 feet wide or 22 feet long, that is transportable as a whole or in sections and
25 that is raised and supported from an existing foundation to be moved and placed on

1 a permanent foundation at a new location where the dwelling or other structure is
2 to be delivered. "Building" does not include a modular housing unit or a
3 manufactured home as defined in s. 101.91 (2).

4 (2) No person may operate on a highway any vehicle transporting a building
5 unless all of the following conditions are satisfied:

6 (a) The load being transported is securely fastened to the vehicle and
7 distributed in a manner that will prevent side sway under all conditions of operation.

8 (b) Prior to operating the vehicle, the person inspects the vehicle and satisfies
9 himself or herself that the requirements of par. (a) and s. 346.88 are met.

10 (c) The person does not operate the vehicle for more than 25 miles from the
11 location where the transportation commenced without stopping to inspect the load
12 and the load-securing devices and satisfying himself or herself that the
13 requirements of par. (a) continue to be met. The person shall thereafter stop
14 periodically, at least every 150 miles or 3 hours of driving, whichever occurs first, to
15 inspect the load and the load-securing devices and to satisfy himself or herself that
16 the requirements of par. (a) continue to be met.

17 (3) No vehicle may be used to transport a building unless the person to whom
18 a certificate or license specified in s. 346.924 (2) (b) is issued systematically and
19 periodically inspects, repairs, and maintains the vehicle, or verifies that such
20 inspection, repair, and maintenance has been performed by another. All records of
21 any inspection, repair, or maintenance under this subsection shall be maintained for
22 at least one year.

23 (4) The provisions of this section apply in addition to any other requirement
24 imposed under this chapter, chs. 194, 343, 346, and 347, and federal law. Prior to the
25 issuance of any permit under this chapter relating to the size, weight, or load of a

1 vehicle used to transport a building, the department shall require proof that the
2 applicant holds a valid license issued under s. 440.98.

3 **SECTION 11.** 348.11 (3) of the statutes is created to read:

4 348.11 (3) Any person violating s. 348.105 (2) or (3) may be required to forfeit
5 not less than \$200 nor more than \$2,000. Each violation constitutes a separate
6 offense.

7 **SECTION 12.** 348.26 (2) of the statutes is amended to read:

8 348.26 (2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as
9 provided in sub. ~~subs.~~ (4) and (4m), single trip permits for oversize or overweight
10 vehicles or loads may be issued by the department for use of the state trunk highways
11 and by the officer in charge of maintenance of the highway to be used in the case of
12 other highways. Such local officials also may issue such single trip permits for use
13 of state trunk highways within the county or municipality which they represent.
14 Every single trip permit shall designate the route to be used by the permittee.
15 Whenever the officer or agency issuing such permit deems it necessary to have a
16 traffic officer escort the vehicle through the municipality or county, a reasonable fee
17 for such traffic officer's services shall be paid by the permittee. All moneys received
18 from fees imposed by the department under this subsection shall be deposited in the
19 general fund and credited to the appropriation account under s. 20.395 (5) (dg).

20 **SECTION 13.** 348.26 (4m) of the statutes is created to read:

21 348.26 (4m) PERMITS FOR VEHICLES TRANSPORTING BUILDINGS. Single trip permits
22 issued under sub. (2) for vehicles transporting buildings, as defined in s. 348.105 (1),
23 may not be issued by local officials for use of state trunk highways.

24 **SECTION 14.** 348.27 (12m) of the statutes is created to read:

348.27 (12m) PERMITS FOR VEHICLES TRANSPORTING BUILDINGS. The department for the state trunk highways or the officer in charge of maintenance in the case of other highways may issue annual or consecutive month permits for vehicles transporting buildings, as defined in s. 348.105 (1).

SECTION 15. 440.05 (intro.) of the statutes is amended to read:

440.05 Standard fees. (intro.) The following standard fees apply to all initial credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.98 (3), 440.9935, 444.03, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18.

SECTION 16. 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 440.98 (3), 442.04, 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18, the renewal dates and renewal fees for credentials are as follows:

SECTION 17. Subchapter XI of chapter 440 [precedes 440.98] of the statutes is created to read:

SUBCHAPTER XI

BUILDING MOVERS

440.98 Building movers. (1) In this section, “building” has the meaning given in s. 348.105 (1).

(2) Any person who engages in the activity of transporting buildings on the highways shall be licensed under this section.

(3) Application for initial issuance or renewal of a license issued under this section shall be made annually to the department upon forms prescribed by it. A license issued or renewed under this section shall expire on December 31 of each year. Each application shall be accompanied by a fee of \$150 for initial issuance of a license or \$100 for renewal of a license paid to the department.

1 (4) (a) Upon receipt of the application and fees specified in sub. (3), the
2 department shall determine the ability and fitness of a person to transport a building
3 on the highways, including consideration of all of the following:

4 1. The applicant's safety record, including the applicant's driving record for all
5 classes and types of vehicles that the applicant is or has been licensed to operate.

6 2. The applicant's reliability and service record as a motor carrier.

7 3. The applicant's experience and training, including experience or training
8 related to the requirements under s. 348.105.

9 (b) The department shall issue a license to an applicant under this section if
10 the department finds that all of the following requirements are met:

11 1. The applicant holds a valid commercial driver license, with any required
12 endorsement, if a commercial driver license is required under ch. 343 for operation
13 of the class and type of vehicle to be used to transport any building.

14 2. The applicant provides proof of a valid motor carrier certificate or license of
15 authority issued under ch. 194 or under federal law applicable for each vehicle to be
16 operated by the applicant to transport a building on a highway.

17 3. The applicant is fit and able to operate safely a vehicle transporting a
18 building in compliance with the requirements of this section and ss. 346.924 and
19 348.105.

20 4. The applicant provides proof, by a certificate of insurance filed with the
21 department, that the applicant, in addition to satisfying the insurance requirements
22 described in s. 346.924 (2) (b), maintains a policy of comprehensive general liability
23 insurance, issued by an insurer authorized to transact business in this state, that
24 provides bodily injury liability coverage and property damage liability coverage,

1 including for building collapse and underground property damage, with a total limit
2 of not less than \$500,000 for each occurrence.

3 (c) In issuing a license under par. (b), the department may attach to the
4 privilege granted by the license any terms, conditions, or restrictions on the licensee
5 that the department deems necessary to ensure the safe transportation of any
6 building and compliance with this section.

7 (d) Upon any change in an applicant's circumstances that causes the applicant
8 to no longer satisfy the requirements of par. (b), the applicant shall notify the
9 department within 10 days of the change in circumstances and the department shall
10 immediately revoke the license, notwithstanding sub. (5).

11 (e) If the department denies issuance of the license, the department shall notify
12 the applicant in writing of the reason. The department may promulgate rules for a
13 review of an application that is denied.

14 (5) (a) Subject to the rules promulgated under s. 440.03 (1), the department
15 may suspend, revoke, alter, or amend a license issued under this section if the
16 department finds any of the following:

17 1. That the licensee has violated or refused to comply with a provision of this
18 section or s. 346.924 or 348.105, or with any order or rule of the department or of the
19 department of transportation.

20 2. That the licensee does not meet the requirements for issuance of a license
21 under sub. (4) (b). Except as provided in par. (b), upon receiving any record of
22 conviction or notice specified in s. 343.29 (1) or (2), the department shall determine
23 whether the conviction or revocation, suspension, cancellation, or disqualification
24 causes the licensee to no longer meet the requirements for issuance of a license under
25 sub. (4) (b).

1 3. That the licensee has engaged in conduct endangering the safety of persons
2 using the highways.

3 4. That the licensee has engaged in conduct obstructing traffic in an
4 unauthorized manner.

5 5. That the licensee has failed to provide reimbursement for damage caused by
6 the licensee to a highway that was not paid for by the licensee's insurer.

7 6. That the licensee has abandoned a building on any highway or on public or
8 private property without permission of the property owner.

9 (b) The department shall revoke a license issued under this section upon
10 receiving notice of the licensee's conviction under s. 346.63 (1), (2m), (5), or (7) or a
11 local ordinance in conformity therewith, or s. 346.63 (2) or (6), 940.09 (1), or 940.25,
12 or upon receiving notice of revocation of the licensee's operating privilege under s.
13 343.305 (10). A person whose license is revoked under this paragraph may not apply
14 for another license issued under this section.

15 (c) If the department revokes a person's license under par. (a), the department
16 may prohibit the person from applying for another license issued under this section
17 or may specify a date, not less than one year following the revocation, after which the
18 person may apply for another license issued under this section.

19 (6) (a) The department may request from the department of transportation,
20 and the department of transportation shall provide, all information maintained by
21 or available to the department of transportation that is deemed necessary by the
22 department to administer this section.

23 (b) The department shall notify the department of transportation of each
24 applicant to whom the department issues a license under this section.

4 (1) This act takes effect on the first day of the 7th month beginning after
5 publication.

6 (END)